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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
6 **SACRAMENTO DIVISION**

7 **MARCUS R. ELLINGTON,**

8 Plaintiff,

02:04-CV-0666 DFL KJM P

9 **v.**

10 **E. S. ALAMEIDA, et al.,**

11 Defendants.

12 **ORDER**

13 On November 8, 2006, Defendants filed a request to vacate the scheduling order.
14 Defendants explain that the parties' cross-motions for summary judgment are pending before this
15 Court and it would be premature to be required to file pretrial statements and trial related
16 documents at this time.

17 Good cause appearing, Defendants' request is granted and the scheduling order is
18 hereby vacated.

19 **IT IS SO ORDERED.**

20 Dated: November 14, 2006

21 
U.S. MAGISTRATE JUDGE